

REMARKS

Claims 2-3, 18 and 21-22 have been amended. Claims 1-24 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1-3. Claims 1-2 and 5-24 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in U.S. Patent 5,568,390 to Hirota (hereinafter “Hirota”), and U.S. Patent 6,298,305 to Kadaba (hereinafter “Kadaba”).

Claim 1

Claim 1 recites a navigation system for use in a motor vehicle. The navigation system includes, *inter alia*:

- “a communication unit that receives supplemental navigation data including digital road map information, and provides received supplemental navigation data;

- a second non-volatile memory unit that receives and stores the received supplemental navigation data;

- a navigation computer that receives start position data and the received destination position data, and computes driving directions between the starting position and the destination position using information from the basic navigation database and the received supplemental navigation data.” (cl. 1)

The Official Action recognizes that Hirota does not explicitly disclose what type of memory the second memory unit is, which stores supplemental navigation data. (Official Action, pg. 3). The Official Action, however, contends that “*Hirota et al. suggested non-volatile memory unit (such as CD-ROM) a map data of a CD-ROM and traffic jam data (abstract, lines 5-6).*” (Official

Action, pg. 3). The Official Action concludes that *“it would have been obvious that the second memory unit can be a non-volatile memory unit. Also, it is well known in the art that the memory that stored data can be a nonvolatile memory unit. To modify for the teach of Hirota et al. about a type of memory stored data can be a non-volatile memory unit, Kadaba et al. disclose memory may comprise any of a wide variety of non-volatile memory such as, for example, ROM, CD ROM, or optical disk (see column 3, lines 28-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Hirota et al., by combining a data memory can be a non-volatile memory unit so the data stored not lost when the power is being turn off or interrupted, therefore the information do not have to be restored or to be resent from the provider.”* (Official Action pg. 3). It is respectfully submitted that this rejection is improper.

Assuming for the moment without admitting that Hirota and Kabada are even properly combinable, even if they were combinable the claimed invention is still patentable over the resultant combination. The section of Kadaba cited in the Official Action merely discloses that memory 128 may comprise non-volatile memory. However, with respect to memory 128, Kadaba discloses that *“software directing the operation of computing means 120 stored in main memory 128 for execution by CPU 124.”* (col. 3, lines 24-26). Significantly, this disclosure of Kadaba *merely teaches the storage of executable software* in non-volatile memory. Executable software is of course must different that navigation data. Kadaba discloses that *“[d]atabase medium 126 may comprise non-volatile memory, a hard disk drive, CD-ROM, or an integrated circuit in which digitized map information has been stored.”* (col. 3, lines 34-37). This disclosure thus merely states that a non-volatile memory can store map information, which adds nothing more to the disclosure of Hirota discussed above in which the CD-ROM 22 of Hirota

contains map data. Therefore, there is nothing in Kadaba, particularly in the cited section, to suggest that a non-volatile memory is used to store navigation related data received by a communication unit. Hence, it is respectfully submitted that the navigation system of claim 1 is patentable over the combined teachings of Hirota and Kadaba.

Claim 23

In the Official Action, claim 23 was rejected for the identical reasons as claim 1. Therefore, referring to the arguments above with respect to claim 1, it is respectfully submitted that claim 23 is patentable for at least all the same reasons as claim 1.

Claim 24

In the Official Action, claim 24 was rejected for the identical reasons as claim 1. Therefore, referring to the arguments above with respect to claim 1, it is respectfully submitted that claim 24 is patentable for at least all the same reasons as claim 1.

4. Claim 3 currently stands rejected for allegedly being obvious in view of Hirota, Kadaba and U.S. Patent 6,707,421 to Drury.

It is respectfully submitted that this rejection of this claim is now moot, since this claim depends indirectly from claim 1, which is patentable for at least the reasons set forth above.

5. Claim 4 currently stands rejected as allegedly being obvious over the combined subject matter disclosed in Hirota, Kadaba and U.S. Patent 6,522,889 to Aarino.

It is respectfully submitted that this rejection of this claim is now moot, since this claim depends indirectly from claim 1, which is patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 1-24 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea
Reg. No. 35,305
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100, Ext. 102